

Alex Kuras also agreed that this was not a good location for the timeshares and felt at this time it was premature to say that the traffic would decrease. He said there were so many timeshare units already he did not think there would be much benefit to the County.

John Hagee commented that when the Commission discussed timeshares in previous situations, it was his understanding that they had to treat them as residential properties and that they not be looked upon as a commercial entity. He stated he preferred timeshare communities to be nearer the tourist corridor and that was one thing he did like about this development. The only concern he had regarding this application was the legal issue if they must look at this as a residential project would they be bound by the requirements of the zoning ordinance and should they look for mitigation on the road because of it's service of level "D."

Leo Rogers stated there were two questions. How do you treat a timeshare development? He believed the timeshare act stated that you have to treat it like the nature of the structure which was a residential style structure. Therefore, the Commission had to treat it like a residence. Regarding the improvements of the road, he stated that what was before the Commission was a special use permit and they have to consider the use and how much traffic would be put on the road due the nature of the use. Being a timeshare use that would be one of the impacts that would be considered as part of the special use permit and the decision of the Commission would be approval or denial based on this use of the property. He stated that it was not a rezoning so there could not be any off-site mitigation. If it was the wish of the Commission, these concerns should be made known to the applicant and there are alternatives where they could rezone this with proffers and meet the mitigation needs of Olde Towne Road. He said he was not suggesting this, but that was the only way of getting Olde Towne Road proffers in addition to what was already offered.

Martin Garrett asked Leo Rogers if he was telling the Commission that they had to view the cluster ordinance with respect to timeshares as they would for other types of housing.

Leo Rogers responded yes to Martin Garrett's question.

Wilford Kale made a motion, seconded by Joe Poole, to recommend denial of the special use permit due to the impact on the existing roadway.

In a roll call vote, motion passed. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7). NAY: (0).